



January 26, 2016

SENATE BILL No. 61

DIGEST OF SB 61 (Updated January 25, 2016 11:36 am - DI 102)

Citations Affected: IC 3-11; IC 3-12.

Synopsis: Voting matters. Provides that when a voter casts a straight party ticket in a general or municipal election, the voter is casting a ballot for all candidates of that party whose names appear on the ballot, except candidates for offices in a county or municipality for which more than one individual can be elected (county council member at large; city common council member at large; town council member at large; township board member at large). Requires a voter to cast an individual vote for each candidate for such offices for whom the voter wishes to vote. Revises ballot instructions to reflect the change in voting procedures. Repeals superseded language related to split-ticket votes for declared write-in candidates. Specifies how voting systems required to make alterations to system firmware or software as a result of this amended procedure are to be tested and certified by the Indiana election commission for use in elections conducted after July 1, 2016. Updates references to incorporate amendments to the Voluntary Voting System Guidelines. Permits counties to continue to use certain voting systems whose certifications have expired if the voting system was: (1) approved by the Indiana election commission before October 1, 2017; (2) acquired by the county before October 1, 2017; and (3) otherwise complies with Indiana election law and the federal Help America Vote Act. Makes technical corrections.

Effective: Upon passage.

Walker

January 5, 2016, read first time and referred to Committee on Rules & Legislative Procedure.

January 19, 2016, amended; reassigned to Committee on Elections.

January 25, 2016, amended, reported favorably — Do Pass.

SB 61—LS 6150/DI 13



January 26, 2016

Second Regular Session 119th General Assembly (2016)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2015 Regular Session of the General Assembly.

SENATE BILL No. 61

A BILL FOR AN ACT to amend the Indiana Code concerning elections.

Be it enacted by the General Assembly of the State of Indiana:

- 1 SECTION 1. IC 3-11-2-10, AS AMENDED BY P.L.219-2013,
2 SECTION 30, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 UPON PASSAGE]: Sec. 10. (a) Public questions shall be placed on the
4 general election ballot in the following order after the statement
5 described in section 7 of this chapter, and the instructions described in
6 subsections (d) and (e) and section 8 of this chapter:
7 (1) Ratification of a state constitutional amendment.
8 (2) Local public questions.
9 Each public question shall be placed in a separate column on the ballot.
10 (b) The name or title of the political party or independent ticket
11 described in section 6 of this chapter shall be placed on the general
12 election ballot after the public questions described in subsection (a).
13 The device of the political party or independent ticket shall be placed
14 immediately under the name of the political party or independent ticket.
15 The instructions for voting a straight party ticket shall be placed to the
16 right of the device.
17 (c) The instructions for voting a straight party ticket must conform

SB 61—LS 6150/DI 13



as nearly as possible to the following:

"(1) To vote a straight (insert political party name) ticket for all (insert political party name) candidates on this ballot, **except for candidates described in (2) below**, make a voting mark on or in this circle and do not make any other marks on this ballot.

(2) To vote for any candidate for an at-large office (insert county council, city common council, town council, or township board if those offices appear on this ballot), you must make another voting mark for each candidate you wish to vote for. Your straight party vote will not count as a vote for any candidate for that office.

(3) If you wish to vote for a candidate seeking a nonpartisan office or on a public question, you must make another voting mark on the appropriate place on this ballot."

(d) If the ballot contains an independent ticket described in section 6 of this chapter and at least one (1) other independent candidate, the ballot must also contain a statement that reads substantially as follows: "A vote cast for an independent ticket will only be counted for the candidates for President and Vice President or governor and lieutenant governor comprising that independent ticket. This vote will NOT be counted for any OTHER independent candidate appearing on the ballot."

(e) The ballot must also contain a statement that reads substantially as follows: "A write-in vote will NOT be counted unless the vote is for a DECLARED write-in candidate. To vote for a write-in candidate, you must make a voting mark on or in the square to the left of the name you have written in or your vote will not be counted."

(f) The list of candidates of the political party shall be placed immediately under the instructions for voting a straight party ticket. The names of the candidates shall be placed three-fourths (3/4) of an inch apart from center to center of the name. The name of each candidate must have, immediately on its left, a square three-eighths (3/8) of an inch on each side.

(g) The circuit court clerk may authorize the printing of ballots containing a ballot variation code to ensure that the proper version of a ballot is used within a precinct.

SECTION 2. IC 3-11-7-4, AS AMENDED BY P.L.219-2013, SECTION 38, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4. (a) **Except as provided in subsection (b)**, a ballot card voting system must permit a voter to vote:

(1) except at a primary election, a straight party ticket for all of the candidates of one (1) political party by a single **voting** mark



on each ballot card;

(2) for one (1) or more candidates of each political party or independent candidates, or for one (1) or more school board candidates nominated by petition;

(3) a split ticket for the candidates of different political parties and for independent candidates; or

(4) a straight party ticket and then split that ticket by casting individual votes for candidates of another political party or independent candidate.

(b) A ballot card voting system must require that a voter who wishes to cast a ballot for a candidate for election to an at-large district on a:

(1) county council;

(2) city common council;

(3) town council; or

(4) township board;

make a voting mark for each individual candidate for whom the voter wishes to cast a vote. The ballot card voting system may not count any straight party ticket voting mark as a vote for any candidate for an office described by this subsection.

~~(b)~~ **(c)** A ballot card voting system must permit a voter to vote:

(1) for all candidates for presidential electors of a political party or an independent ticket by making a single voting mark; and

(2) for or against a public question on which the voter may vote.

SECTION 3. IC 3-11-7-11.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 11.5. A ballot card voting system must permit the counting of write-in votes in accordance with **IC 3-12-1-7** and IC 3-12-1-7.5.

SECTION 4. IC 3-11-7-12, AS AMENDED BY P.L.128-2015, SECTION 170, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 12. (a) The commission shall:

(1) require the vendor to have tests conducted concerning the compliance of a ballot card voting system with HAVA and the standards set forth in this chapter and IC 3-11-15; and

(2) have the results of the tests evaluated by the person designated under IC 3-11-16;

before determining whether to approve the application for certification of a ballot card voting system.

(b) Except as provided in subsection (c), the tests required under this section must be performed by an independent laboratory accredited under 52 U.S.C. 20971. The vendor shall pay any testing expenses incurred under this section.



(c) If the commission determines that it is impossible or impractical to have an independent laboratory conduct tests on a ballot card voting system, the commission may direct that the tests be conducted by any other entity approved by the commission.

(d) A ballot card voting system may not be marketed, sold, leased, installed, or implemented in Indiana before the application for certification of the system is approved by the commission.

(e) An approval of a ballot card voting system under this chapter expires on the date specified in section 19(a) of this chapter.

SECTION 5. IC 3-11-7-15, AS AMENDED BY P.L.169-2015, SECTION 105, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 15. (a) A vendor may apply for approval of a proposed improvement or change to a ballot card voting system that is currently certified by the commission. A proposed improvement or change may not be marketed, sold, leased, installed, or implemented in Indiana before the application for the improvement or change is approved by the commission.

(b) An application for approval of an improvement or change must be in the form prescribed by the election division.

(c) The vendor applying for approval of an improvement or a change must have the improvement or change to the voting system tested by an independent laboratory accredited under 52 U.S.C. 20971. **However, if the commission determines that it is impossible or impractical to have an independent laboratory conduct tests on a proposed improvement or change to a ballot card voting system, the commission may direct that the tests be conducted by any other entity approved by the commission.** The vendor shall pay any testing expenses incurred under this subsection.

(d) The election division (or the person designated under IC 3-11-16) shall review the proposed improvement or change to the voting system and the results of the testing by the independent laboratory under subsection (c) and report the results of the review to the commission. The review must indicate:

(1) whether the proposed improvement or change has been approved by an independent laboratory accredited under 52 U.S.C. 20971 **or as directed by the commission under subsection (c);**

(2) whether the proposed improvement is a de minimis change or a modification;

(3) if the proposed improvement or change is a modification, whether the modification may be installed and implemented without any significant likelihood that the voting system would be



1 configured or perform its functions in violation of HAVA or this
2 title; and

3 (4) whether the proposed improvement or change would comply
4 with HAVA and the standards set forth in this chapter and
5 IC 3-11-15.

6 (e) After the commission has approved the application for an
7 improvement or change (including a de minimis change) to a ballot
8 card voting system, the improvement or change may be marketed, sold,
9 leased, installed, or implemented in Indiana.

10 (f) An approval of an application under this section expires on the
11 date specified under section 19(a) of this chapter.

12 SECTION 6. IC 3-11-7.5-4, AS AMENDED BY P.L.128-2015,
13 SECTION 172, IS AMENDED TO READ AS FOLLOWS
14 [EFFECTIVE UPON PASSAGE]: Sec. 4. (a) The commission shall:

15 (1) require the vendor to have tests conducted concerning the
16 compliance of an electronic voting system with HAVA and the
17 standards set forth in this chapter and IC 3-11-15; and

18 (2) have the results of the tests evaluated by the person designated
19 under IC 3-11-16;

20 before determining whether to approve the application for certification
21 of an electronic voting system.

22 (b) The tests required under this section must be performed by an
23 independent laboratory accredited under 52 U.S.C. 20971. **However,**
24 **if the commission determines that it is impossible or impractical to**
25 **have an independent laboratory conduct tests on an electronic**
26 **voting system, the commission may direct that the tests be**
27 **conducted by any other entity approved by the commission.** The
28 vendor shall pay any testing expenses under this section.

29 (c) If the commission finds that an electronic voting system
30 complies with this article, the commission may approve the system.
31 The approved system then may be adopted for use at an election.

32 (d) An electronic voting system may not be marketed, sold, leased,
33 installed, or implemented in Indiana before the application for
34 certification of the system is approved by the commission.

35 (e) An approval of an electronic voting system under this chapter
36 expires on the date specified by section 28(a) of this chapter.

37 SECTION 7. IC 3-11-7.5-5, AS AMENDED BY P.L.169-2015,
38 SECTION 107, IS AMENDED TO READ AS FOLLOWS
39 [EFFECTIVE UPON PASSAGE]: Sec. 5. (a) A vendor may apply for
40 approval of a proposed improvement or change to an electronic voting
41 system that is currently certified by the commission. A proposed
42 improvement or change may not be marketed, sold, leased, installed,



or implemented in Indiana before the application for the improvement or change is approved by the commission.

(b) An application for approval of an improvement or a change must be in the form prescribed by the election division.

(c) The vendor applying for approval of an improvement or a change must have the improvement or change to the voting system tested by an independent laboratory accredited under 52 U.S.C. 20971.

However, if the commission determines that it is impossible or impractical to have an independent laboratory conduct tests on a proposed improvement or change to an electronic voting system, the commission may direct that the tests be conducted by any other entity approved by the commission. The vendor shall pay any testing expenses incurred under this subsection.

(d) The election division (or the person designated under IC 3-11-16) shall review the improvement or change to the voting system in accordance with procedures approved by the commission and the results of the testing ~~by the independent laboratory~~ **required** under subsection (c) and report the results of the review to the commission. The review must indicate:

(1) whether the proposed improvement or change has been approved by an independent laboratory accredited under 52 U.S.C. 20971;

(2) whether the proposed improvement or change is a de minimis change or a modification as indicated by a report from an independent laboratory **or by the entity designated by the commission under subsection (c);**

(3) if the proposed improvement or change is a modification, whether the modification may be installed and implemented without any significant likelihood that the voting system would be configured or perform its functions in violation of HAVA or this title as indicated by a report from an independent laboratory; and

(4) whether the proposed improvement or change would comply with HAVA and the standards set forth in this chapter and IC 3-11-15.

(e) After the commission has examined and approved the application for an improvement or change to an electronic voting system (including a de minimis change), the improvement or change may be marketed, sold, leased, installed, or implemented in Indiana.

(f) An approval of an application under this section expires on the date specified by section 28(a) of this chapter.

SECTION 8. IC 3-11-7.5-10, AS AMENDED BY P.L.219-2013, SECTION 39, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE



UPON PASSAGE]: Sec. 10. (a) **Except as provided in subsection (b),**
an electronic voting system must permit a voter to vote:

- (1) except at a primary election, a straight party ticket for all the candidates of one (1) political party by touching the device of that party;
- (2) for one (1) or more candidates of each political party or independent candidates, or for one (1) or more school board candidates nominated by petition;
- (3) a split ticket for the candidates of different political parties and for independent candidates; or
- (4) a straight party ticket and then split that ticket by casting individual votes for candidates of another political party or independent candidates.

(b) An electronic voting system must require that a voter who wishes to cast a ballot for a candidate for election to an at-large district on a:

- (1) county council;**
- (2) city common council;**
- (3) town council; or**
- (4) township board;**

make a voting mark for each individual candidate for whom the voter wishes to cast a vote. The electronic voting system may not count any straight party ticket voting mark as a vote for any candidate for an office described by this subsection.

~~(b)~~ (c) An electronic voting system must permit a voter to vote:

- (1) for as many candidates for an office as the voter may vote for, but no more;
- (2) for or against a public question on which the voter may vote, but no other; and
- (3) for all the candidates for presidential electors of a political party or an independent ticket by making a single voting mark.

SECTION 9. IC 3-11-13-14, AS AMENDED BY P.L.221-2005, SECTION 77, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 14. (a) In partisan elections, the ballot labels must include a voting square or position where a voter may by one (1) **voting** mark on each card record a straight party or an independent ticket vote for all the candidates of one (1) political party or the independent ticket, except for offices for which the voter:

- (1) is required to cast an individual vote for a candidate under IC 3-11-7-4(b); or**
- (2) has voted individually for a candidate for any other office.**

(b) If the voter records a vote for the two (2) candidates comprising



1 an independent ticket, the vote must not count for any other
 2 independent candidate on the ballot.

3 SECTION 10. IC 3-11-13-31.7, AS AMENDED BY P.L.128-2015,
 4 SECTION 193, IS AMENDED TO READ AS FOLLOWS
 5 [EFFECTIVE UPON PASSAGE]: Sec. 31.7. (a) This section is enacted
 6 to comply with 52 U.S.C. 21081 by establishing uniform and
 7 nondiscriminatory standards to define what constitutes a vote on an
 8 optical scan voting system.

9 (b) After receiving ballot cards, a voter shall, without leaving the
 10 room, go alone into one (1) of the booths or compartments that is
 11 unoccupied and indicate:

12 (1) the candidates for whom the voter desires to vote by marking
 13 the connectable arrows, circles, ovals, or squares immediately
 14 beside:

15 (A) the candidates' names; or

16 (B) the numbers referring to the candidates; and

17 (2) the voter's preference on each public question by marking the
 18 connectable arrow, oval, or square beside:

19 (A) the word "yes" or "no" under the question; or

20 (B) the number referring to the word "yes" or "no" on the
 21 ballot.

22 (c) If an election is a general or municipal election and a voter
 23 desires to vote for all the candidates of one (1) political party or
 24 independent ticket (described in IC 3-11-2-6), the voter may mark:

25 (1) the circle enclosing the device; or

26 (2) the connectable arrow, circle, oval, or square described in
 27 section 11 of this chapter;

28 that designates the candidates of that political party or independent
 29 ticket (described in IC 3-11-2-6). **Except as provided by**
 30 **IC 3-11-7-4(b)**, the voter's vote shall then be counted for all the
 31 candidates of that political party or included in the independent ticket
 32 (described in IC 3-11-2-6). However, if the voter marks the circle,
 33 arrow, oval, or square of an independent ticket (described in
 34 IC 3-11-2-6), the vote shall not be counted for any other independent
 35 candidate on the ballot.

36 (d) This subsection applies to a voter casting a ballot on a voting
 37 system that includes features of both an optical scan ballot card voting
 38 system and a direct record electronic voting system. After entering into
 39 a booth used with the voting system, the voter shall indicate the
 40 candidates for whom the voter desires to vote and the voter's preference
 41 on each public question by:

42 (1) inserting a paper ballot or an optical scan ballot into the voting



1 system; or

2 (2) using headphones to listen to a recorded list of political
3 parties, candidates, and public questions.

4 (e) A voter using a voting system described in subsection (d) may
5 indicate the voter's selections by:

6 (1) touching a device on or in the squares immediately adjacent
7 to the name of a political party, candidate, or response to a public
8 question; or

9 (2) indicating the voter's choices by using a sip puff device that
10 enables the voter to indicate a choice by inhaling or exhaling.

11 SECTION 11. IC 3-11-14-23, AS AMENDED BY P.L.128-2015,
12 SECTION 194, IS AMENDED TO READ AS FOLLOWS
13 [EFFECTIVE UPON PASSAGE]: Sec. 23. (a) This section is enacted
14 to comply with 52 U.S.C. 21081 by establishing uniform and
15 nondiscriminatory standards to define what constitutes a vote on an
16 electronic voting system.

17 (b) If a voter is not challenged by a member of the precinct election
18 board, the voter may pass the railing to the side where an electronic
19 voting system is and into the voting booth. There the voter shall
20 register the voter's vote in secret by indicating:

21 (1) the candidates for whom the voter desires to vote by touching
22 a device on or in the squares immediately above the candidates'
23 names;

24 (2) if the voter intends to cast a write-in vote, a write-in vote by
25 touching a device on or in the square immediately below the
26 candidates' names and printing the name of the candidate in the
27 window provided for write-in voting; and

28 (3) the voter's preference on each public question by touching a
29 device above the word "yes" or "no" under the question.

30 (c) If an election is a general or municipal election and a voter
31 desires to vote for all the candidates of one (1) political party or group
32 of petitioners, the voter may cast a straight party ticket by touching that
33 party's device. **Except as provided in IC 3-11-7.5-10(b)**, the voter's
34 vote shall then be counted for all the candidates under that name.
35 However, if the voter casts a vote by touching the circle of an
36 independent ticket comprised of two (2) candidates, the vote shall not
37 be counted for any other independent candidate on the ballot.

38 (d) As provided by 52 U.S.C. 21081, a voter casting a ballot on an
39 electronic voting system must be:

40 (1) permitted to verify in a private and independent manner the
41 votes selected by the voter before the ballot is cast and counted;

42 (2) provided the opportunity to change the ballot or correct any



error in a private and independent manner before the ballot is cast and counted, including the opportunity to receive a replacement ballot if the voter is otherwise unable to change or correct the ballot; and

(3) notified before the ballot is cast regarding the effect of casting multiple votes for the office and provided an opportunity to correct the ballot before the ballot is cast and counted.

SECTION 12. IC 3-11-15-13.3, AS AMENDED BY P.L.128-2015, SECTION 195, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 13.3. (a) To be approved by the commission for use in Indiana, a voting system must meet **one (1) of the following:**

(1) The Voting System Standards adopted by the Federal Election Commission on April 30, 2002. ~~or~~

(2) The Voluntary Voting System Guidelines adopted by the United States Election Assistance Commission on December 13, 2005.

(3) The Voluntary Voting System Guidelines adopted by the United States Election Assistance Commission, as amended on March 31, 2015.

(b) A county may continue to use an optical scan ballot card voting system or an electronic voting system whose approval or certification expired on or before October 1, ~~2013~~, **2017**, if the voting system:

(1) was:

(A) approved by the commission for use in elections in Indiana before October 1, ~~2013~~, **2017**; and

(B) purchased ~~or leased~~ by the county before October 1, ~~2013~~, **2017**; and

(2) otherwise complies with the applicable provisions of HAVA and this article.

However, a voting system vendor may not market, sell, lease, or install a voting system described in this subsection.

(c) As provided by 52 U.S.C. 21081, to be used in an election in Indiana, a voting system must be accessible for individuals with disabilities, including nonvisual accessibility for the blind and visually impaired, in a manner that provides the same opportunity for access and participation (including privacy and independence) as for other voters.

(d) As provided by 52 U.S.C. 21081, an election board conducting an election satisfies the requirements of subsection (c) if the election board provides at least one (1) electronic voting system or other voting system equipped for individuals with disabilities at each polling place.



(e) If a voter who is otherwise qualified to cast a ballot in a precinct chooses to cast the voter's ballot on the voting system provided under subsection (d), the voter must be allowed to cast the voter's ballot on that voting system, whether or not the voter is an individual with disabilities.

SECTION 13. IC 3-12-1-5, AS AMENDED BY P.L.219-2013, SECTION 62, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5. (a) This subsection does not apply to a ballot card voting system or an electronic voting system. **Except as provided in subsection (d)**, a voting mark made by a voter on or in a voting square at the left of a candidate's name or political party's name shall be counted as a vote for the candidate or candidates of the political party.

(b) This subsection applies to a ballot card voting system. A voting mark made by a voter:

- (1) on or in a circle, oval, or square; or
- (2) to connect a connectable arrow;

immediately below or beside a candidate's name or political party's name shall be counted as a vote for the candidate or candidates of the political party, **except as provided in subsection (d)**.

(c) This subsection applies to a direct record electronic voting system. A voting mark made by a voter touching a touch sensitive point or button below or beside a candidate's name or political party's name shall be counted as a vote for the candidate or candidates of the political party, **except as provided in subsection (d)**.

(d) **A voter who wishes to cast a ballot for a candidate for election to an at-large district on a:**

- (1) county council;
- (2) city common council;
- (3) town council; or
- (4) township board;

must make a voting mark for each individual candidate for whom the voter wishes to cast a vote. A straight ticket voting mark on a paper ballot, ballot card voting system, or electronic voting system shall not be counted as a straight party ticket voting mark as a vote for any candidate for an office described by this subsection.

SECTION 14. IC 3-12-1-7, AS AMENDED BY P.L.164-2006, SECTION 124, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 7. (a) This subsection applies whenever a voter:

- (1) votes a straight party ticket; and
- (2) votes only for one (1) or more individual candidates who are



all of the same political party as the straight ticket vote.
Except as provided in subsection (d) or (e), the straight ticket vote shall be counted and the individual candidate votes may not be counted.

(b) This subsection applies whenever:

- (1) a voter has voted a straight party ticket for the candidates of one (1) political party;
- (2) only one (1) person may be elected to an office; and
- (3) the voter has voted for one (1) individual candidate for the office described in subdivision (2) who is:

(A) a candidate of a political party other than the party for which the voter voted a straight ticket; or

(B) an independent candidate **or declared write-in candidate** for the office.

If the voter has voted for one (1) individual candidate for the office described in subdivision (2), the individual candidate vote for that office shall be counted, the straight party ticket vote for that office may not be counted, and the straight party ticket votes for other offices on the ballot shall be counted.

(c) This subsection applies whenever:

- (1) a voter has voted a straight party ticket for the candidates of one (1) political party; and
- (2) the voter has voted for more individual candidates for the office than the number of persons to be elected to that office.

The individual candidate votes for that office may not be counted, the straight party ticket vote for that office may not be counted, and the straight party ticket votes for other offices on the ballot shall be counted.

(d) This subsection applies whenever:

- (1) a voter has voted a straight party ticket for the candidates of one (1) political party;
- (2) more than one (1) person may be elected to an office; and
- (3) the voter has voted for individual candidates for the office described in subdivision (2) who are:
 - (A) independent candidates **or declared write-in candidates;**
 - (B) candidates of a political party other than the political party for which the voter cast a straight party ticket under subdivision (1); or
 - (C) a combination of candidates described in clauses (A) and (B).

The individual votes cast by the voter for the office for the independent candidates, **declared write-in candidates**, and the candidates of a



political party other than the political party for which the voter cast a straight party ticket shall be counted ~~The straight party ticket vote cast by that voter for that office shall be counted unless the total number of votes cast for the office by the voter, when adding the voter's votes for the individual candidates for the office and the voter's straight party ticket votes for the office, is greater than the number of persons to be elected to the office. If the total number of votes cast for the office is greater than the number of persons to be elected to the office, the straight party ticket votes for the office may not be counted. unless the total number of these individual votes is greater than the number of persons to be elected to the office. The straight party ticket votes for the office shall not be counted.~~ The straight party ticket votes for other offices on the voter's ballot shall be counted.

(e) This subsection applies whenever:

(1) a voter has voted a straight party ticket for the candidates of one (1) political party;

(2) more than one (1) person may be elected to an office; and

(3) the voter has voted for individual candidates for the office described in subdivision (2) who are:

(A) independent candidates, **declared write-in candidates**, or candidates of a political party other than the political party for which the voter cast a straight party ticket under subdivision (1); and

(B) candidates of the same political party for which the voter cast a straight party ticket under subdivision (1).

The individual votes cast by the voter for the office for the independent candidates, **the declared write-in candidates**, and the candidates of a political party other than the political party for which the voter cast a straight party ticket, **and the candidates of the political party for which the voter cast a straight party ticket** shall be counted ~~The individual votes cast by the voter for the office for the candidates of the same political party for which the voter cast a straight party ticket may not be counted. The straight party ticket vote cast by that voter for that office shall be counted unless the total number of votes cast for the office by the voter, when adding the voter's votes for the individual candidates for the office and the voter's straight party ticket vote for the office is greater than the number of persons to be elected to the office. If the total number of votes cast for the office is greater than the number of persons to be elected to the office, the straight party ticket votes for that office may not be counted. unless the total number of these individual votes is greater than the number of persons to be elected to the office. The straight party ticket votes for the office~~



1 **shall not be counted.** The straight party ticket votes for other offices
2 on the voter's ballot shall be counted.

3 (f) If a voter votes a straight party ticket for more than one (1)
4 political party, the whole ballot is void with regard to all candidates
5 nominated by a political party, **declared write-in candidates, or**
6 **candidates** designated as independent candidates on the ballot.
7 However, the voter's vote for a school board candidate or on a public
8 question shall be counted if otherwise valid under this chapter.

9 (g) If a voter does not vote a straight party ticket and the number of
10 votes cast by that voter for the candidates for an office are less than or
11 equal to the number of openings for that office, the individual
12 candidates votes shall be counted.

13 (h) If a voter does not vote a straight party ticket and the number of
14 votes cast by that voter for an office exceeds the number of openings
15 for that office, none of the votes concerning that office may be counted.

16 SECTION 15. IC 3-12-1-7.5 IS AMENDED TO READ AS
17 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 7.5. ~~(a) If a voter~~
18 ~~votes a straight party ticket for at least one (1) office for which only one~~
19 ~~(1) person may be elected and writes in the name of a candidate; the~~
20 ~~straight party ticket vote shall be counted for all offices except the~~
21 ~~offices for which a write-in vote was cast. The write-in vote shall be~~
22 ~~counted if the voter's intent can be determined.~~

23 ~~(b) If a voter votes a straight party ticket for an office for which at~~
24 ~~least two (2) people may be elected and writes in the name of a~~
25 ~~candidate; the straight party vote for that office may not be counted~~
26 ~~unless:~~

27 ~~(1) fewer candidates appear on the party's ticket than may be~~
28 ~~elected; and~~

29 ~~(2) the voter has not written in a number of names that, when~~
30 ~~added to the straight party candidate's name, would be greater~~
31 ~~than the number of seats available for that office.~~

32 ~~(c) (a) If a voter votes for one (1) individual candidate for an office~~
33 ~~for which only one (1) person may be elected and also writes in the~~
34 ~~name of another candidate for the same office, neither vote may be~~
35 ~~counted.~~

36 ~~(d) (b) If a voter votes for at least one (1) individual candidate for~~
37 ~~an office for which at least two (2) people may be elected and also~~
38 ~~writes in the name of at least one (1) candidate, the vote for that office~~
39 ~~may not be counted unless the number of individual votes cast for the~~
40 ~~office, when added to the number of write-in votes cast for that office,~~
41 ~~is less than or equal to the number of seats available for that office.~~

42 ~~(e) (c) If a voter votes an individual or a straight party vote for a~~



1 candidate for an office and also writes in the name of the same
2 candidate for the same office, only one (1) vote for that candidate may
3 be counted.

4 SECTION 16. IC 3-12-1-8 IS AMENDED TO READ AS
5 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 8. **(a) Except as**
6 **provided in subsection (b)**, a voting mark made by a voter on or in a
7 circle containing a political party device shall be counted as a vote for
8 each candidate of that political party on that ballot.

9 **(b) A voter who wishes to cast a ballot for a candidate for**
10 **election to an at-large district on a:**

11 **(1) county council;**

12 **(2) city common council;**

13 **(3) town council; or**

14 **(4) township board;**

15 **must make a voting mark for each individual candidate for whom**
16 **the voter wishes to cast a vote. A voting mark on or in a circle**
17 **containing a political party device shall not be counted as a straight**
18 **party ticket voting mark as a vote for any candidate for an office**
19 **described by this subsection.**

20 SECTION 17. An emergency is declared for this act.



COMMITTEE REPORT

Madam President: The Senate Committee on Rules and Legislative Procedure, to which was referred Senate Bill No. 61, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Delete everything after the enacting clause and insert the following:

(SEE TEXT OF BILL)

and when so amended that said bill be reassigned to the Senate Committee on Elections.

(Reference is to SB 61 as introduced.)

LONG, Chairperson

COMMITTEE REPORT

Madam President: The Senate Committee on Elections, to which was referred Senate Bill No. 61, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 2, line 7, delete "or".

Page 2, line 7, after "town council" insert ", **or township board**".

Page 3, line 14, delete "or".

Page 3, line 15, after "council;" insert "**or**

(4) township board;".

Page 7, line 17, delete "or".

Page 7, line 18, after "council;" insert "**or**

(4) township board;".

Page 7, line 20, delete "ballot card" and insert "**electronic**".

Page 9, line 31, delete "IC 3-11-7.5.10(b)," and insert "**IC 3-11-7.5-10(b),**".

Page 11, line 27, delete "or".

Page 11, line 28, after "council;" insert "**or**

(4) township board;".

Page 12, line 41, reset in roman "shall".

Page 12, line 41, after "shall" delete "may not".

Page 12, line 41, after "counted" delete ".".

SB 61—LS 6150/DI 13



Page 13, line 6, after "counted." insert "**unless the total number of these individual votes is greater than the number of persons to be elected to the office. The straight party ticket votes for the office shall not be counted.**".

Page 13, line 37, after "to the office." insert "**The straight party ticket votes for the office shall not be counted.**".

Page 14, line 26, after "(c)" insert "**(a)**".

Page 14, line 26, reset in roman "If a voter votes for one (1) individual candidate for an office for".

Page 14, reset in roman lines 27 through 28.

Page 14, line 29, after "(d)" insert "**(b)**".

Page 14, line 29, reset in roman "If a voter votes for at least one (1) individual candidate for an".

Page 14 reset in roman lines 30 through 34.

Page 14, line 35, after "(e)" insert "**(c)**".

Page 15, line 5, delete "or".

Page 15, line 6, after "council;" insert "**or
(4) township board;**".

and when so amended that said bill do pass.

(Reference is to SB 61 as printed January 20, 2016.)

WALKER, Chairperson

Committee Vote: Yeas 5, Nays 4.

